

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

**KHALID SHAIKH MOHAMMAD,
WALID MUHAMMAD SALIH MUBARAK
BIN ‘ATTASH, RAMZI BIN AL SHIBH,
ALI ABDUL-AZIZ ALI, MUSTAFA
AHMED ADAM AL HAWSAWI**

AE 696B(WBA)

**Mr. bin ‘Atash’s Notice of Intent to
Reply to AE 696A(GOV), Government
Response to Motion to Compel Material
and Information Pertaining to the
Government’s Use of Forced Sleep
Deprivation Against Mr. bin ‘Atash**

24 April 2020

1. Timeliness:

This notice is timely filed.

2. Notice:

On 22 April 2020, the Government filed a corrected copy of AE 696A(GOV), Government Response to Motion to Compel Material and Information Pertaining to the Government’s Use of Forced Sleep deprivation Against Mr. bin ‘Atash. In this Response, the Government advances flawed factual assertions and arguments. Mr. bin ‘Atash intends to reply to the Government’s response, however this reply requires access to classified materials.

On 3 April 2020, Defense Counsel for Mr. bin ‘Atash filed AE 639KK(WBA)/AE 788A(WBA) Mr. bin ‘Atash’s Notice of Inability to File Classified Pleadings Due to Impact of Coronavirus COVID-19. In that pleading, Defense Counsel detailed the current impediments to litigation caused by the global pandemic and explained that they are unable to file classified and unclassified pleadings that would require access to and/or review of classified material. Those impediments remain in effect.

Mr. bin ‘Atash hereby provides notice that he intends to file a reply to the Government’s pleading captioned AE 696A(GOV), Government Response to Motion to Compel Material and

Information Pertaining to the Government's Use of Forced Sleep deprivation Against Mr. bin 'Atash. Preparation of the reply requires access to classified materials available only in a SCIF. A reply to AE 696A(GOV), Government Response to Motion to Compel Material and Information Pertaining to the Government's Use of Forced Sleep Deprivation Against Mr. bin 'Atash, will be prepared and filed when the challenges associated with COVID-19 and HPCON-C have been ameliorated to the point that Defense Counsel can safely access the classified material necessary for this reply without endangering their health, the health of their family members, and the health of their communities.

3. Attachments:

A. Certificate of Service.

4. Signatures:

/s/
CHERYL T. BORMANN
Learned Counsel

/s/
EDWIN A. PERRY
Detailed Defense Counsel

/s/
WILLIAM R. MONTROSS JR.
Detailed Defense Counsel

/s/
ANISHA P. GUPTA
Detailed Defense Counsel

/s/
JAY S. PEER
Captain, USAF
Detailed Military Counsel

Attachment A

CERTIFICATE OF SERVICE

I certify that on 24 April 2020, I electronically filed, via email, the attached AE 696B (WBA), Mr. bin 'Atash's Notice of Intent to Reply to AE 696A(GOV), Government Response to Motion to Compel Material and Information Pertaining to the Government's Use of Forced Sleep Deprivation Against Mr. bin 'Atash, with the Trial Judiciary and served a copy to all parties.

/s/

CHERYL T. BORMANN
Learned Counsel